

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ZAPFRAUD, INC.,

Plaintiff,

v.

PROOFPOINT, INC.,

Defendant.

Civil Action No. 1:19-cv-01691-CFC

**JURY TRIAL DEMANDED**

**DECLARATION OF WEN XUE IN SUPPORT  
OF ZAPFRAUD, INC.'S OPPOSITION TO  
PROOFPOINT, INC.'S MOTION TO TRANSFER VENUE**

I, Wen Xue, declare as follows:

1. I am an attorney at the law firm of Desmarais LLP, counsel for Plaintiff ZapFraud, Inc. ("ZapFraud") in the above-captioned matter. I submit this declaration based on personal knowledge of the facts set forth herein, and if called upon as a witness I could competently testify to the truth of each statement herein.

2. Desmarais LLP has collected documents and records relating to U.S. Patent No. 10,277,628 and maintains them at Desmarais LLP's office in New York, New York.

3. Desmarais LLP has collected documents and records relating to ZapFraud's incorporation and operations and maintains them at Desmarais LLP's office in New York, New York.

4. Exhibit 1 is a true and correct copy of <https://www.proofpoint.com/us/contact/office-locations>, accessed on February 13, 2020.

5. Exhibit 2 is a true and correct copy of <https://www.proofpoint.com/us/customer-stories> when filtered by “Email Protection” in the “Solutions” category and “Email Protection” in the “Products” category, accessed on February 13, 2020, with highlighting applied for clarity.

6. Exhibit 3 is a true and correct copy of the entity information of Westinghouse Electric Company LLC provided on the Delaware Division of Corporations website, retrieved from <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> on February 13, 2020.

7. Exhibit 4 is a true and correct copy of [https://s22.q4cdn.com/414664515/files/doc\\_news/2020/ER\\_01.30.2020\\_Final\\_Submitted.pdf](https://s22.q4cdn.com/414664515/files/doc_news/2020/ER_01.30.2020_Final_Submitted.pdf), downloaded from <https://investors.proofpoint.com/investors/news-and-events/press-releases/press-release-details/2020/Proofpoint-Announces-Fourth-Quarter-and-Full-Year-2019-Financial-Results/default.aspx> on February 13, 2020, with highlighting applied for clarity.

8. Exhibit 5 is a true and correct copy of an excerpt from the PDF file downloaded at <https://compass.docketnavigator.com/api/documents/report/1066982> on February 18, 2020, with highlighting applied for clarity.

9. Exhibit 6 is a true and correct copy of the entity information of Agari Data, Inc. provided on the Delaware Division of Corporations website, retrieved from <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> on February 19, 2020.

10. Exhibit 7 is a true and correct copy of the entity information of PayPal, Inc. provided on the Delaware Division of Corporations website, retrieved from <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> on February 19, 2020.

11. Based on my review of public government census data, the estimated population in counties in the United States District Court for the Northern District of California is over 8 million people.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed this 20th day of February 2020.



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Wen Xue